

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KORDELL KYLE BIG KNIFE,

Defendant.

CR 17-79-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Kordell Kyle Big Knife (Big Knife) has been accused of violating the conditions of his supervised release. Big Knife admitted the alleged violation. Big Knife's supervised release should be revoked. Big Knife should be placed in custody for 6 months, with no supervised release to follow. Big Knife should serve his term of custody at the Bureau of Prisons' facility in Sheridan, Oregon.

**II. Status**

Big Knife pleaded guilty to Assault Resulting in Serious Bodily Injury on February 8, 2019. (Doc. 18). The Court sentenced Big Knife to 8 months of custody, followed by 2 years of supervised release. (Doc. 27). Big Knife's current

term of supervised release began on August 14, 2019. (Doc. 57 at 2).

### **Petition**

The United States Probation Office filed a Petition on March 24, 2020, requesting that the Court revoke Big Knife's supervised release. (Doc. 57). The Petition alleges that Big Knife violated the conditions of his supervised release by consuming alcohol. (Doc. 57 at 2).

### **Initial appearance**

Big Knife appeared before the undersigned for his initial appearance on March 31, 2020. Big Knife was represented by counsel. Big Knife stated that he had read the petition and that he understood the allegations. Big Knife waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on March 31, 2020. Big Knife admitted that he had violated the conditions of his supervised release by consuming alcohol. The violation is serious and warrants revocation of Big Knife's supervised release.

Big Knife's violation is a Grade C violation. Big Knife's criminal history category is II. Big Knife's underlying offense is a Class D felony. Big Knife

could be incarcerated for up to 24 months. Big Knife could be ordered to remain on supervised release for up to 17 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

### **III. Analysis**

Big Knife's supervised release should be revoked. Big Knife should be incarcerated for 6 months, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Big Knife that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Big Knife of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Big Knife that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Big Knife stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Kordell Kyle Big Knife violated the conditions of his supervised release by consuming alcohol.

The Court **RECOMMENDS:**

That the District Court revoke Big Knife's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, with no supervised release to follow. Big Knife should serve his term of custody at the Bureau of Prisons' facility in Sheridan, Oregon.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 1st day of April, 2020.

  
John Johnston  
United States Magistrate Judge